

## BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p><b>Eden Irrigation Company</b> <b>Attn. Douglas Wilson, President</b></p> <p><b>RESPONDENT</b></p>	<p><b>MEASURING DEVICE AND CONTROL STRUCTURE NOTICE</b></p> <p>SEAA No. 2047</p> <p>Assessment Account No. 101440 WATER RIGHT No. 35-7236</p>
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### I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4, and in accordance with UTAH ADMIN. CODE R. 655-15.

U.C.A. § 73-5-4 states in part :

*(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, ... shall construct or install and maintain controlling works and a measuring device at:*

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

*(2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.*

*(3) The state engineer shall approve the design of:*

- (a) the measuring device; and*
- (b) controlling works so that the state engineer or a water commissioner may regulate and lock the works. ...*

*(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:*

- (a) forbid the use of water until the user complies with the state engineer's requirement; and*
- (b) commence enforcement proceedings authorized by Section 73-2-25.*

### II. STATEMENT OF FACTS

1. This Notice applies to the measurement and control of water diverted in Eden Canal located on North Fork Ogden River and/or Tributaries and is used for irrigation under Water Right Number 35-7236.
2. If Respondent no longer has ownership interest in the subject water right, please work with the new owner to update the Division's records to the present owner using the Report of Conveyance.
3. The point of diversion (POD) of Eden Canal is located S2650 ft E 200 ft from N4 corner, Sec 28, T7N, R1E, SLBM, based on our water right records.

4. Water diverted for irrigation use under the subject water rights must be properly measured, regulated and reported under the direction of the Ogden River Water Commissioner and/or Deputy Water Commissioner. Owners are responsible for maintenance of measuring device and control gates.
5. Water measuring devices and control structures must function properly.
6. Open channels are typically measured with weirs or flumes. Stilling wells and recording devices or telemetry are often also used to record water deliveries.
7. Enclosed pipelines are typically measured with water meters and the newer meters are connected with telemetry for automated reporting.

### III. ACTIONS REQUIRED

1. An adjustable and lockable headgate (control gate) must exist to enable the water commissioner and/or deputy commissioner to regulate the quantity of water diverted into the canal.
2. An operable measuring device is required as follows:
  - a. If water is diverted into a free flowing open channel, a measuring flume or weir with a stilling well is required. Stilling wells consist of a vertical 18-inch steel or concrete culvert or pipe placed adjacent to the flume or weir near the staff gage location. The stilling well is connected to the flume or weir with a small pipe that enables the water level in the stilling well to reflect the water level at the staff gage. Telemetry equipment is typically cost shared between the water users and the Division. Equipment is typically housed and protected with a locking weatherproof box located on and above the stilling well.
  - b. If a pipeline is used to divert water, a water meter compatible with the telemetry equipment is usually required. Meters are typically installed inside a meter vault with protective lid or cover. The meter vault is typically a CMP culvert with cutouts that enable it to extend below the pipe without touching the pipe, so there is space to access the pipe and clamp meter sensors around the exterior of the pipe. Vaults must be located where the pipe flows full and the pipe and meter are above groundwater.
3. Telemetry (electronic recording/reporting) has become the new standard method of water measurement recording whenever measuring devices are installed or repaired. Water users often cost-share telemetry installation with the Division of Water Rights. Telemetry enables improved reporting of water deliveries. Telemetry will eventually be included so please plan accordingly.
4. **The work above must be completed on or before May 1, 2016.**
5. Until the work above is completed, Respondent must adjust the measuring device (submerged orifice or weir) as needed to enable the water commissioner and/or deputy commissioner to manually measure the water diverted using a rating table (weir or orifice) and a staff gage.

#### IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to diligently attend to the work required by this Notice. If the work is satisfactorily completed in a timely manner, the Division will conclude this agency action.
2. If the work is not satisfactorily completed in a timely manner, the Division may issue an Order forbidding the use of water until the Respondent has complied, or may commence an enforcement action as allowed under Utah Code Ann. § 73-5-4 (6).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25.
4. If determined to be in violation an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26, including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted without right. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation.”

#### V. FURTHER INFORMATION

If the Respondent has any questions concerning this Notice, state laws and rules, or the required and recommended action, please discuss them with:

Ross Hansen  
*Regional Engineer*  
*Western Region*  
*Utah Division of Water Rights*  
*Weber Office*  
*1594 W North Temple Ste 220*  
*P.O. Box 146300*  
*Salt Lake City, UT 84114-6300*  
*(801) 538-7240*

or

Ben Anderson  
*Distribution Engineer*  
*Utah Division of Water Rights*  
*1594 W North Temple Ste 220*  
*P.O. Box 146300*  
*Salt Lake City, UT 84114-6300*  
*(801) 538-7240*

Dated this 22nd day of July, 2015



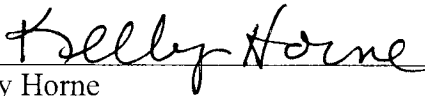
Ben L. Anderson, P.E.  
Distribution Engineer  
Utah Division of Water Rights

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 22nd day of July, 2015, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

**Douglas Wilson  
Eden Irrigation Company  
1878 N. 5900 E.  
Eden, UT 84310**

USPS TRACKING # **9114 9011 2308 6069 1224 69**  
& CUSTOMER  
RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.



Kelly Horne  
Division of Water Rights  
Field Services Secretary

cc: Ross Hansen, Regional Engineer  
Cole Panter, Water Commissioner  
Terry Murphy, Deputy Water Commissioner